

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 964 - HB 1332

March 19, 2015

SUMMARY OF ORIGINAL BILL: Authorizes the Board of Cosmetology and Barber Examiners to charge an inspection fee for any inspections required prior to the opening of a new shop or change of location of an existing barber or styling shop. Requires any master barber or barber technician to have completed high school, or to have attained a GED or HiSet diploma. Removes requirement that a master barber or technician provide proof that all money owed to a barbering school has been paid. Authorizes the board to set the fee for the retirement of a barber license. Requires any holder of a barber certificate of registration to promptly notify the Board of any change in mailing address within 30 calendar days of such change. Requires each barbering school, including any public vocational education program to keep a daily record of the attendance of each student enrolled and to submit to the Board on a prescribed form a monthly progress report on each student.

Requires the Board to promulgate rules that enable a barber school or college to develop courses of instruction that require a student to earn 50 percent of the hours needed for a specific certificate of registration for either a master barber, technician, or barber instructor through classroom instruction and the remaining fifty percent from an apprenticeship. Requires a certificate of registration for any master barbers, barber shops and technicians be renewed biennially, rather than annually. Increases the penalty, from a Class C to a Class B misdemeanor, for any violation of statute with regards to barbers. Requires that a barber student be provided seven years from the date such student enrolls in a barbering school to complete the required courses and number of required hours. In any instance in which a barber student is unable to complete the required course of instruction within the seven year time frame, the Board may subsequently require the student to complete additional courses to attain an additional number of hours prior to issuing a license to such student.

Expands the definition of Cosmetology to include preparatory and ancillary services and the treatment of a person's mustache or beard. Adds the definitions of "dual shop" and "safety razor." Makes a nominal change to the membership structure of the Board of Cosmetology and Barber Examiners. Requires any person seeking a cosmetology instructor's license to provide proof of rendering services to patrons in a cosmetology shop for at least one year as an accompaniment to submitting an application for such license. Requires any holder of a cosmetologist, aesthetician, manicurist, natural hair stylist or instructor license to promptly notify the Board of any change in mailing address within 30 calendar days of such change. Reduces the penalty, from a Class C to a Class B misdemeanor, applicable to any cosmetologist, aesthetician, manicurist, natural hair stylist or instructor license who fails to display required information at the professional's work station. Reduces, from 24 to 16 hours, the required hours an instructor with an inactive license must attend at a Board approved instructor training program prior to activating such inactive license. Requires any cosmetologist, aesthetician, manicurist, natural

hair stylist, instructor, or cosmetology shop license to be renewed biennially, rather than annually. Removes requirement that the owner of a cosmetology school post a surety bond, a federally insured certificate of deposit, an irrevocable letter of credit, in conjunction with any application to operate such school. Authorizes the Board to set the annual surcharge fee levied against cosmetology schools for licensure renewal. Adds the HiSET examination as a qualifying education credential prerequisite to attending a cosmetology school. Reduces, from 48 to 40 hours, the amount of time permitted that a cosmetology student may attend school per week. Authorizes the Board to set the fee for any cosmetology licensee to activate an inactive license. Prohibits any animals, other than a service animal, decorative fish or caged birds, from being in any cosmetology shop.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004024): Corrects a typographical error in statute regarding the application requirements of barber instructors.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Requiring alternative methods to meet application and licensure requirements of the Board, will not result in a significant number of new licensees.
- The fee for retiring a license is currently \$10. TDCI reports that this fee amount will remain constant.
- The fee for license reciprocity is currently \$50. TDCI reports that this fee amount will remain constant.
- The surcharge fee for a school license is currently \$300. TDCI reports that this fee amount will remain constant.
- Inspection fees are paid by shops in conjunction with application fees. Based on information provided by the Board, fee levels will remain constant.
- Removing the requirement that a board licensee provide proof of paying all funds owed to a cosmetology or barbering school will not significantly affect the Board operations or the number of licensees.
- Removing the surety requirement, as it currently applies to cosmetology and barber schools, will have no effect on the Board. Based on information provided by the Board, these have not historically been withdrawn, but were required to provide students with

any lost revenue subsequent of a school failing to meet its obligations and subsequent closure.

- Any shop which is a “dual shop,” as defined by this legislation, will now be able to purchase one license instead of two individual licenses. Based on information provided by the Board, dual shop licensure fees will be placed at an amount to collect fee revenue equal to that currently collected from dual shops.
- Based on information provided by the Department of Commerce and Insurance, this legislation will not have a significant fiscal impact on the Board.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- Based on the information provided by the Department of Commerce and Insurance, it is assumed that the provisions of the bill will not significantly affect the barber and cosmetology industry in the state.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

/jdb